

No.

CK 10 00845 -LHK

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

2010 NOV 17 P 1:50

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
N.D. CA - SAN JOSE

HRL

THE UNITED STATES OF AMERICA

vs.

ANTONIO BATES

INDICTMENT

- COUNT ONE: 18 U.S.C. § 2241(a) - Aggravated Sexual Abuse by Force
- COUNT TWO: 18 U.S.C. § 2241(c) - Aggravated Sexual Abuse with Child Under 12
- COUNT THREE: 18 U.S.C. § 2241(c) - Aggravated Sexual Abuse With Child Under 16, by Force
- COUNT FOUR: 18 U.S.C. § 2242(1) - Sexual Abuse
- COUNT FIVE: 18 U.S.C. § 2243(a) - Sexual Abuse of a Minor

A true bill.

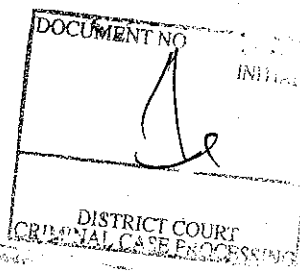
Jim Bonar

Foreperson

Filed in open court this 17 day of Nov.
A.D. 2010

Patricia V. Trumbull
United States Magistrate Judge

Bail. \$ No bail/warrant



MELINDA HAAG (CABN 132612)
United States Attorney

FILED
2010 NOV 17 P 1:50

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
N.D. OF CALIF.

SEALED BY ORDER
OF COURT

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

ANTONIO BATES,

Defendant.

CR 10 No. 00845 LHK HRL
VIOLATIONS:

18 U.S.C. § 2241(a) – Aggravated Sexual Abuse by Force; 18 U.S.C. § 2241(c) – Aggravated Sexual Abuse With Child Under 12; 18 U.S.C. § 2241(c) – Aggravated Sexual Abuse With Child Under 16, by Force; 18 U.S.C. § 2242(1)–Sexual Abuse; 18 U.S.C. § 2243(a)–Sexual Abuse of a Minor

SAN JOSE VENUE

INDICTMENT

The Grand Jury charges:

COUNT ONE: (18 U.S.C. § 2241(a) - Aggravated Sexual Abuse by Force)

Beginning at a time unknown but no later than in or about 1994, and continuing through approximately July, 1996, in the Northern District of California, within the boundaries of an area within the special territorial jurisdiction of the United States, to wit, Fort Hunter-Liggett, California, the defendant,

ANTONIO BATES,

INDICTMENT

1 did knowingly cause another person to engage in a sexual act by using force against that person,
 2 in violation of Title 18, United States Code, Section 2241(a).

3
 4 COUNT TWO: (18 U.S.C. § 2241(c) - Aggravated Sexual Abuse with Child Under 12)

5 Beginning at a time unknown but no later than in or about 1994, and continuing through
 6 March 31, 1995, in the Northern District of California, within the boundaries of an area within
 7 the special territorial jurisdiction of the United States, to wit, Fort Hunter-Liggett, California, the
 8 defendant,

9 ANTONIO BATES,

10 did knowingly engage in a sexual act, to wit, (a) contact between defendant's penis and another
 11 person's mouth, (b) contact between defendant's mouth and another person's vulva; (c) the
 12 penetration of the genital opening of another by a finger, with an intent to abuse, humiliate,
 13 harass, and degrade another person, and with an intent to arouse and gratify the sexual desire of
 14 defendant; and (d) the intentional touching, not through the clothing, of the genitalia of another
 15 person, with an intent to abuse, humiliate, harass, and degrade another person, and with an intent
 16 to arouse and gratify the sexual desire of defendant, with a person who had not attained the age
 17 of 12 years, in violation of Title 18, United States Code, Section 2241(c).

18
 19 COUNT THREE: (18 U.S.C. § 2241(c) - Aggravated Sexual Abuse With Child Under 16, by
 20 Force)

21 Beginning at a time unknown but no later than in or about 1994, and continuing through
 22 approximately July, 1996, in the Northern District of California, within the boundaries of an area
 23 within the special territorial jurisdiction of the United States, to wit, Fort Hunter-Liggett,
 24 California, the defendant,

25 ANTONIO BATES,

26 did knowingly engage in a sexual act, to wit, (a) contact between defendant's penis and another
 27 person's mouth, (b) contact between defendant's mouth and another person's vulva; (c) the
 28 penetration of the genital opening of another by a finger, with an intent to abuse, humiliate,

1 harass, and degrade another person, and with an intent to arouse and gratify the sexual desire of
 2 defendant; and (d) the intentional touching, not through the clothing, of the genitalia of another
 3 person, with an intent to abuse, humiliate, harass, and degrade another person, and with an intent
 4 to arouse and gratify the sexual desire of defendant, by use of force against that person, who had
 5 not attained the age of 16 years and was more than 4 years younger than the defendant, in
 6 violation of Title 18, United States Code, Section 2241(c).

7
 8 COUNT FOUR: (18 U.S.C. § 2242(1) - Sexual Abuse)

9 Beginning at a time unknown but no later than in or about 1994, and continuing through
 10 approximately July, 1996, in the Northern District of California, within the boundaries of an area
 11 within the special territorial jurisdiction of the United States, to wit, Fort Hunter-Liggett,
 12 California, the defendant,

13 ANTONIO BATES,

14 did knowingly cause another person to engage in a sexual act, to wit, (a) contact between
 15 defendant's penis and another person's mouth, (b) contact between defendant's mouth and
 16 another person's vulva; (c) the penetration of the genital opening of another by a finger, with an
 17 intent to abuse, humiliate, harass, and degrade another person, and with an intent to arouse and
 18 gratify the sexual desire of defendant; and (d) the intentional touching, not through the clothing,
 19 of the genitalia of another person who had not attained the age of 16 years, with an intent to
 20 abuse, humiliate, harass, and degrade another person, and with an intent to arouse and gratify the
 21 sexual desire of defendant, by threatening and placing the victim in fear, in that defendant
 22 repeatedly hit the victim, including with a belt, if the victim did not consent to defendant's
 23 demands for sexual acts, in violation of Title 18, United States Code, Section 2242(1).

24
 25 COUNT FIVE: (18 U.S.C. § 2243(a) - Sexual Abuse of a Minor)

26 Beginning at a time unknown but no later than in or about 1994, and continuing through
 27 approximately July, 1996, in the Northern District of California, within the boundaries of an area
 28 within the special territorial jurisdiction of the United States, to wit, Fort Hunter-Liggett,

1 California, the defendant,

2 ANTONIO BATES,

3 did knowingly engage in a sexual act, to wit, (a) contact between defendant's penis and another
 4 person's mouth, (b) contact between defendant's mouth and another person's vulva; (c) the
 5 penetration of the genital opening of another person by a finger, with an intent to abuse,
 6 humiliate, harass, and degrade another person, and with an intent to arouse and gratify the sexual
 7 desire of defendant; and (d) the intentional touching, not through the clothing, of the genitalia of
 8 another person, with an intent to abuse, humiliate, harass, and degrade another person, and with
 9 an intent to arouse and gratify the sexual desire of defendant, with a person who had not attained
 10 the age of 16 years and was more than 4 years younger than the defendant, in violation of Title
 11 18, United States Code, Section 2243(a).

12
 13 DATED:

14 11-17-10

A TRUE BILL.

15 
 16 FOREPERSON

17 MELINDA HAAG
 18 United States Attorney

19 
 20 JEFFREY NEDROW
 21 Deputy Chief, San Jose Office

22 (Approved as to form: 
 23 AUSA GRANT P. FONDO
 24
 25
 26
 27
 28

AO 257 (Rev. 6/78)

DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURTBY: ☐ COMPLAINT ☐ INFORMATION ☒ INDICTMENT
☐ SUPERSEDING**OFFENSE CHARGED**

See attachment

☐ Petty
☐ Minor
☒ Misdemeanor
☒ Felony**PENALTY:**

See attachment

**SEALED BY CLERK
OF COURT****PROCEEDING**Name of Complainant Agency, or Person (& Title, if any)
Federal Bureau of Investigation (FBI)

Special Agent John Magnussen

☐ person is awaiting trial in another Federal or State Court, give name of court☐ this person/proceeding is transferred from another district per (circle one) FRCrP 20, 21 or 40. Show District☐ this is a reprosecution of charges previously dismissed which were dismissed on motion of:☒ U.S. Att'y ☐ Defense☐ this prosecution relates to a pending case involving this same defendant☐ prior proceedings or appearance(s) before U.S. Magistrate regarding this defendant were recorded underSHOW
DOCKET NO.MAGISTRATE
CASE NO.Name and Office of Person
Furnishing Information on
THIS FORM

MELINDA HAAG

☒ U.S. Att'y ☐ Other U.S. AgencyName of Asst. U.S. Att'y
(if assigned)

Grant Fondo

Name of District Court, and/or Judge/Magistrate Location
NORTHERN DISTRICT OF CALIFORNIA**FILED****DEFENDANT - U.S.**2010 NOV 17 P 1:50
ANTONIO BATESDISTRICT COURT NOW WORKING
CLERK, U.S. DISTRICT COURT
N.D. CA - SAN JOSE**CR 10 00845-HRL
DEFENDANT - LHK****IS NOT IN CUSTODY**1) ☒ Has not been arrested, pending outcome this proceeding.
If not detained give date any prior summons was served on above charges2) ☐ Is a Fugitive3) ☐ Is on Bail or Release from (show District)

Northern District of California

IS IN CUSTODY4) ☐ On this charge5) ☐ On another conviction6) ☐ Awaiting trial on other charges☐ Fed'l ☐ State

If answer to (6) is "Yes", show name of institution

Has detainer
been filed? ☐ Yes ☐ NoIf "Yes"
give date
filed**DATE OF
ARREST**

Month/Day/Year

Or... if Arresting Agency & Warrant were not

Month/Day/Year

**DATE TRANSFERRED
TO U.S. CUSTODY**☐ This report amends AO 257 previously submitted**ADDITIONAL INFORMATION OR COMMENTS****PROCESS:**☐ SUMMONS ☒ NO PROCESS*☐ WARRANT Bail Amount: _____

If Summons, complete following:

☐ Arraignment ☐ Initial Appearance

Defendant Address: _____

*Where defendant previously apprehended on complaint, no new summons or warrant needed, since Magistrate has scheduled arraignment

Date/Time: _____

Before Judge: _____

Comments: _____

U.S. v. Bates Penalty Sheet

Count One: 18 U.S.C. § 2241(a) – Aggravated Sexual Abuse by Force

Up to life imprisonment
\$250,000 fine
At least five years but up to lifetime supervised release
\$100 special assessment

Count Two: 18 U.S.C. § 2241(c) – Aggravated Sexual Abuse With Child Under 12

At least thirty years but up to life imprisonment
\$250,000 fine
At least five years but up to lifetime supervised release
\$100 special assessment

Count Three: 18 U.S.C. § 2241(c) – Aggravated Sexual Abuse With Child Under 16, by Force

At least thirty years but up to life imprisonment
\$250,000 fine
At least five years but up to lifetime supervised release
\$100 special assessment

Count Four: 18 U.S.C. § 2242(1)–Sexual Abuse

Up to life imprisonment
\$250,000 fine
At least five years but up to lifetime supervised release
\$100 special assessment

Count Five: 18 U.S.C. § 2243(a)–Sexual Abuse of a Minor

Up to 15 years imprisonment
\$250,000 fine
At least five years but up to lifetime supervised release
\$100 special assessment